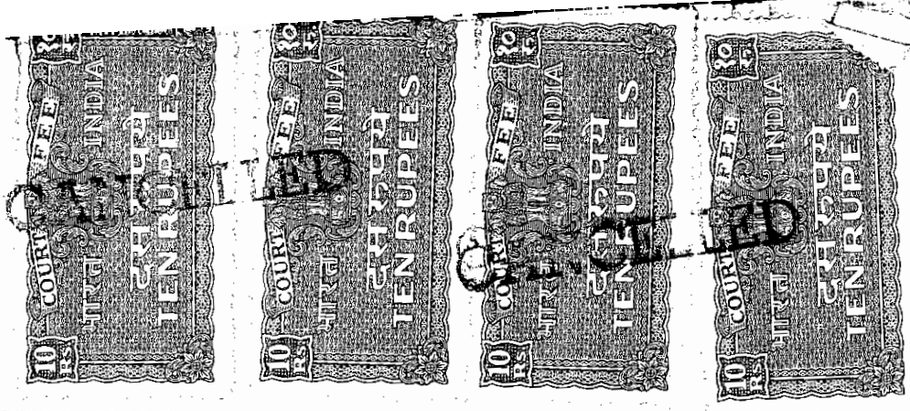

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

WRIT PETITION 1159 OF 2001

PETITIONER : Ambey Bai
wife of Shiv Gopal
aged 26 years, Surpanch-
Gram Panchayat
r/o Village Chaurabhata,
Gram Panchayat Avareedh
Block-Nawagarh, Tahsil-
Nawagarh, District - Janjgir-
Champa (C.G)

VERSUS

RESPONDENTS :

1. Additional Collector
Janjgir-Champa (C.G)

2. Prescribed authority being
Sub.Divisional Officer-
Janjgir-Champa, Tah-Nawagarh
Distt- Janjgir-Champa(CG)

3. Presiding Officer in the
matter of No Confidence-
Motion dated 3.3.2001 being
Tahsildar, Nawagarh

4. Chhat Ram,
s/o Jhaduram

5. Raghuram
s/o Bachharam

6. Lashminarayan Dhiwar
s/o Hetram Dhiwar

7. Fekuram Yadav,
s/o Makunda Yadav

8. Lakshmin Bai Sahu
wife of Jeevan Lal Sahu

9. Shrimati Sukanya Thakur
wife of Rajiv Singh

10. Ramkirtan Srivas,
s/o Tangu Srivas

11. Velsuram Dhiwar,
s/o Shriram Dhiwar

12. Fel Bai Dhiwar
wife of Vishram Dhiwar

13. Barsaitram Kashyap
s/o Saheblal Kashyap

14. Samelal Sahu,
s/o Chhedram

15. Shantibai
wife of Dayaram Dhiwar

16. Sahas Bai
wife of Dhaniram Kashyap

17. Amrtika Bai
wife of Haldar Kashyap

18. Son Bai,
wife of Baliram Kashyap

19. Ramkhilavan
s/o Manmohan Kashyap

20. Brajmohan Kashyap
s/o Seetaram Kashyap

21. Ramsanehi Kashyap
s/o Ramadhar Kashyap

22. Rampireet Ram Kashyap
s/o Sahasram Kashyap

23. Ramrath Sahu,
s/o Kirit

Respondents 4 to 23 are panchas of Gram Panchayat,Avareedh, Tahsil-Nawagarh, Distt- Janjgir Champa

PETITION UNDER THE ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT INTHE NATURE OF CERTIORARI MANDAMUS PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P.No.452/2001

मामला क्रमांक ... सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

12/10/2001

Shri Manindra Shrivastava, learned counsel for the petitioner.

Shri Prashant Mishra, learned counsel for the respondents nos. 4 to 8, 10 to 16, 18 to 22 & 23.

Shri Rajeev Shrivastava, learned counsel for the respondents nos. 17 & 19.

Shri Deep Kesharwani, learned PL for respondent/State.

Heard.

O R D E R

This matter was heard yesterday. However, as the ballot papers were produced, this Court needed a little time to verify particularly four ballot papers on which some doubt had been cast by the petitioner. The admitted fact in the case is that in No Confidence Motion as many as 21 members participated. One ballot paper was invalid. Four persons cast their votes against the No Confidence Motion. The petitioner was accordingly removed on the ground that 16 valid votes had been cast in favour of the No Confidence Motion moved against the petitioner. As far as 11 votes cast in favour of the No Confidence Motion, there is no doubt. The doubt as I have stated anove, is as regards four

[पीछे देखिये

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

ballot papers. I am not an expert. I have simply looked and in fact examined to the best of my ability as a lay person. I have particularly looked closely at the marking. The markings are not of equal size and they are of different sizes in different ballot papers. In my view, there is no standard size of marking. However, the markings in my view, are positive and are clearly in favour of the No Confidence Motion. I may point out that in one ballot paper though the entire marking is very clear, ink is clearly visible only in respect of half of the marking. In view of what I have stated above, though I am not an expert I am convinced nevertheless that 16 votes/ballot papers were validly cast in favour of the No Confidence Motion.

In the result, no interference is called for. Accordingly the petition is dismissed. Let the ballot papers be handed over to Deep Kesharwani in sealed packet.

Sd/-
Chief Justice

rsnr*